

Marshal or other qualified officer and that the copy serve as the commitment of the defendant.

[Signature illegible]

United States District Judge.

Judgment and Commitment

DISTRICT COURT OF THE UNITED STATES

FOR THE SOUTHERN DISTRICT OF NEW YORK

United States of America v. John Gates, also known as Israel Regenstreif.

No. C128/87

IT IS ADJUDGED that the defendant has been convicted upon his plea of ² not guilty and a verdict of guilty by a jury of the offense of unlawfully, wilfully & knowingly conspiring to organize as the Communist Party of the U.S. of America a society, group and assembly of persons who teach & advocate the overthrow & destruction of the Government of the U.S. by force and violence, & knowingly & wilfully to advocate and teach the duty and necessity of so overthrowing and destroying the Government of the United States. T. 18 Sec 11 & 13 USC

as charged ³

and the court having asked the defendant whether he has anything to say why judgment should not be pronounced, and no sufficient cause to the contrary being shown or appearing to the Court,

IT IS ADJUDGED that the defendant is guilty as charged and convicted.

² Insert (1) "guilty," (2) "not guilty, and a verdict of guilty," (3) "not guilty, and a finding of guilty," or (4) "nolo contendere," as the case may be. ³ Insert "in count(s) number" if required.

IT IS ADJUDGED that the defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of ⁴ FIVE YEARS and fined \$10,000. Defendant to stand committed until fine is paid or he is otherwise discharged by due course of law.

IT IS ORDERED that the Clerk deliver a certified copy of this judgment and commitment to the United States Marshal or other qualified officer and that the copy serve as the commitment of the defendant.

[Signature illegible]

United States District Judge.

Judgment and Commitment

DISTRICT COURT OF THE UNITED STATES

FOR THE SOUTHERN DISTRICT OF NEW YORK

United States of America v. Irving Potash

No. C128/87

IT IS ADJUDGED that the defendant has been convicted upon his plea of ² not guilty and a verdict of guilty by a jury of the offense of unlawfully, wilfully & knowingly conspiring to organize as the Communist Party of the U.S. of America a society, group and assembly of persons who teach

⁴ Enter (1) sentence or sentences, specifying counts if any; (2) whether sentences are to run concurrently or consecutively and, if consecutively, when each term is to begin with reference to termination of preceding term or to any other outstanding or unserved sentence; (3) whether defendant is to be further imprisoned until payment of the fine or fine and costs, or until he is otherwise discharged as provided by law.

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Judgment and Commitment

DISTRICT COURT OF THE UNITED STATES

FOR THE SOUTHERN DISTRICT OF NEW YORK DIVISION

United States of America v. Gilbert Green

No. C128/87.

* * * * *

IT IS ADJUDGED that the defendant has been convicted upon his plea of ² not guilty and a verdict of guilty by a jury of the offense of unlawfully, wilfully & knowingly conspiring to organize as the Communist Party of the U.S. of America a society, group and assembly of persons who teach & advocate the overthrow & destruction of the Government of the U.S. by force and violence, & knowingly & wilfully to advocate and teach the duty and necessity of so overthrowing and destroying the Government of the United States. T. 18 Sec 11 & 13 USC

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* * * * *

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United States District Judge.

Judgment and Commitment

DISTRICT COURT OF THE UNITED STATES

FOR THE SOUTHERN DISTRICT OF NEW YORK

United States of America v. Carl Winter

No. C128/87

IT IS ADJUDGED that the defendant has been convicted upon his plea of ² not guilty and a verdict of guilty by a jury of the offense of unlawfully, wilfully & knowingly conspiring to organize as the Communist Party of the U.S. of America a society, group and assembly of persons who teach & advocate the overthrow & destruction of the Government of the U.S. by force and violence, & knowingly & wilfully to advocate and teach the duty and necessity of so overthrowing and destroying the Government of the United States. T. 18 Sec 11 & 13 USC

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[Signature illegible]

United States District Judge.

Judgment and Commitment

DISTRICT COURT OF THE UNITED STATES

FOR THE SOUTHERN DISTRICT OF NEW YORK

United States of America v. Gus Hall, also known as Arno Gust Halberg.

No. C128/87

IT IS ADJUDGED that the defendant has been convicted upon his plea of ² not guilty and a verdict of guilty by a jury of the offense of unlawfully, wilfully & knowingly conspiring to organize as the Communist Party of the U.S. of America a society, group and assembly of persons who teach

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T. 18 Sec 11 & 13 USC

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United States District Judge.

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Petitioner's Exhibit No. 495

Daily Worker, June 9, 1952.

COMMUNISTS HERE PROTEST PERSECUTION OF FRENCH CP

The National Committee of the Communist Party Friday sent a letter to the Central Committee of the Communist Party of France, expressing international solidarity in struggle against the present wave of arrests and persecution. Complete text of the letter signed by William Z. Foster, national chairman; Elizabeth Gurley Flynn, member, and Pettis Perry, alternate member of the National Committee, follows:

"The pro-fascist assault upon the Communist Party of France, and the imprisonment of the beloved working-class leader, Jacques Duclos, has aroused the burning indignation of every true lover of peace and democracy throughout the world. Unable to check the growing movement for peace, democracy and national independence, which has rallied the millions, the French servants of U. S. imperialism now resort to methods of violence and terror, mass arrests and trumped-up charges, so reminiscent of Hitler's Reichstag-fire provocation.

* * * * *

"The National Committee of the Communist Party, U. S. A. on behalf of our entire membership, extends to your Central Committee, and through you to the people of France, our fraternal working class solidarity in your courageous fight to advance the cause of democracy, peace and national independence. We ask you to transmit to Comrade Duclos our profound admiration for his indomitable spirit and indefatigable struggle for the security, peace, and freedom of the French people, and for peace and friendship among all peoples and nations.

* * * * *

"We know your struggle is our struggle—a common fight against a common enemy—to defeat the North Atlantic war

alliance, to prevent the re-nazification and remilitarization of Western Germany, to fight for a Five-Power Pact of Peace and Friendship as the only path to peace and freedom."

Petitioner's Exhibit No. 496

Daily Worker

CENTRAL ORGAN OF THE COMMUNIST PARTY OF THE U. S. A.
LOVESTONE, STATE'S WITNESS

* * * * *

It is the duty of Communists to throw every possible obstacle in the way of conviction of their fellow Party members in the courts, to defend these members by all possible means, and absolutely to refuse to give testimony for the state in any form. Testimony of Communists can only be given for the defense of Communists, not for the state, and then it must be based upon uncompromising defense of the Party and its program. And any one who trades his testimony to the State for personal immunity from prosecution, should be unhesitatingly kicked out of the movement.

Vol. V
TRANSCRIPT OF RECORD

(Pages 1799 to 2169)

Supreme Court of the United States

OCTOBER TERM, 1955

No. 48

**COMMUNIST PARTY OF THE UNITED STATES OF
AMERICA, PETITIONER,**

vs.

SUBVERSIVE ACTIVITIES CONTROL BOARD

**ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

PETITION FOR CERTIORARI FILED APRIL 13, 1955

CERTIORARI GRANTED MAY 31, 1955

**APPENDIX TO BRIEF FOR RESPONDENT
REPORT OF THE BOARD, ANNOTATED**

IN THE
United States Court of Appeals
For the District of Columbia Circuit

No. 11,850

COMMUNIST PARTY OF THE UNITED STATES OF AMERICA,
Petitioner

v.

SUBVERSIVE ACTIVITIES CONTROL BOARD, *Respondent*

1800

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SUBVERSIVE ACTIVITIES CONTROL BOARD

HERBERT BROWNELL, JR., Attorney General of the
United States, *Petitioner*

v.

COMMUNIST PARTY OF THE UNITED STATES OF AMERICA,
Respondent

REPORT OF THE BOARD

SUBVERSIVE ACTIVITIES CONTROL BOARD

No. 51-101

HERBERT BROWNELL, JR., Attorney General of the
United States, *Petitioner*

v.

THE COMMUNIST PARTY OF THE UNITED STATES OF AMERICA,
Respondent

*William A. Paisley, Frank DeNunzio, Robert B. Gaston,
Noel E. Story, Benjamin F. Taylor, Jr., Rourke J. Sheehan,
Clifford J. Nelson, Nathan B. Levin, for Petitioner.*

*Vito Marcantonio, John J. Abt, Joseph Forer, for Re-
spondent.*

REPORT OF THE BOARD

On November 22, 1950, the Attorney General of the United States, Petitioner herein, acting under Section 13(a) of The Subversive Activities Control Act of 1950, herein-after called the Act, filed a petition with the Board for an order requiring the Communist Party of the United States of America (CPUSA), Respondent herein, to register with the Attorney General as required by Sections 7(a), (c), and (d) of the Act. The petition alleges that Respondent is a Communist-action organization as defined in the Act and as measured by the standards specified therein, and it sets forth numerous allegations of fact in support of its contention.

A copy of the petition was served by Petitioner upon Respondent on November 24, 1950. Answer under protest was filed by Respondent on February 14, 1951, and on April 3, 1951, an amended answer was filed.¹

¹In the interim period Respondent attacked the validity of the proceeding by various motions addressed to the Board, which were denied, and also instituted suit in the United States District Court for the District of Columbia for a preliminary injunction to stay the proceeding and for a permanent injunction and declaratory judgment (Civil Action 419-51). A three-judge statutory court on February 28, 1951, denied Respondent's motion for a

In the amended answer Respondent admits that it was organized in 1919 and has been in existence continuously since that date. Otherwise, the substance and effect of its answer is to deny that Respondent fits the definition and standards of a Communist-action organization as alleged in the petition.

Hearings for the purpose of taking evidence on the petition commenced on April 23, 1951, before three members of the Board sitting as a Hearing Panel.

On October 20, 1951, one member of the Hearing Panel became unavailable to the Board by virtue of the adjournment of Congress without taking action upon his nomination to the Board. The hearing proceeded before the remaining two members of the Hearing Panel, who were present and participated during the entire hearing. Respondent, on October 23, 1951, moved the Board for an order striking all evidence theretofore received and all proceedings theretofore held because of the failure of the Senate to confirm the one member, and because of alleged bias and prejudice of the Panel against Respondent, which motion was denied following oral argument thereon. Respondent thereupon instituted suit in the United States District Court to enjoin the hearings but was not successful.¹

Hearings for the purpose of taking evidence on the petition, having commenced on April 23, 1951, terminated on July 1, 1952.

Briefs and proposed findings of fact were filed by each party on July 28, 1952. On August 6, 1952, reply briefs were filed by each of the parties, and on August 14, 1952, oral argument thereon was held before the Hearing Panel.

preliminary injunction (*Communist Party of the United States v. McGrath*, 96 F. Supp. 47) but on March 13, 1951, issued an order staying answer and hearings before the Board to and including March 27, 1951, pending appeal. An extension of this stay was refused by the United States Supreme Court on March 26, 1951, and Respondent voluntarily discontinued the proceeding.

¹ The United States District Court for the District of Columbia, on February 15, 1952, entered an order granting the Board's motion to dismiss, and dismissing the proceeding before the court. *Communist Party of the United States of America v. Peter Campbell Brown, et al* (Civil Action 4648-51).

On October 20, 1952, the Hearing Panel issued its Recommended Decision finding Respondent to be a Communist-action organization as defined in the Act and recommending that the Board issue an order requiring Respondent to register as such with the Attorney General of the United States.

On November 21, 1952, Petitioner filed exceptions to the Recommended Decision requesting that the Board adopt the Panel's findings with certain minor changes of text. On November 24, 1952, Respondent filed its exceptions to the Recommended Decision, accompanied by a memorandum in support thereof, and four motions. Following oral argument, the motions were denied in our Memoranda Opinions and Orders of December 23, 1952, and February 24, 1953. Oral argument on the exceptions to the Recommended Decision was had before us on January 7, 1953.

Respondent notes 310 exceptions, most of which contain numerous grounds for attacking a specified portion or finding of the Recommended Decision. Illustrative of the nature of its exceptions is Exception No. 51, which reads as follows:

"Respondent excepts to the statement as to the end towards which certain policies and activities of the Respondent are directed (p. 26, 11. 29-32), as being unsupported by the evidence, contrary to the evidence, based on irrelevant matters, based on constitutionally protected conduct and expression, and made with an improper reliance on pre-Act matters."

In addition to taking exception to virtually every statement in the Recommended Decision on what amounts to a line by line basis, Respondent in many instances made a general exception to entire captioned sections of the Recommended Decision, illustrative of which is Exception No. 102:

"On the same grounds [same as exception No. 101, i.e., irrational, unsupported by the evidence, contrary to the evidence, beyond the scope of the petition, and based on an improper reliance on pre-Act matters]

Respondent excepts to the entire section of the Recommended Decision which appears under the sub-heading 'Trade Union Activities' (pp. 50-58).''

In addition to the foregoing, Respondent, by its Exception No. 310, attacks the Recommended Decision as a whole on the grounds that it is arbitrary; capricious; not in accordance with law; contrary to the Constitution, including the First and Fifth Amendments; made without the observance of procedure required by law; unsupported by the evidence or by a preponderance thereof; contrary to the evidence and a preponderance thereof; largely based on incompetent and irrelevant evidence and on testimony not entitled to credence; based on evidence and findings outside the scope of the petition; and largely resulting from improper use of, and reliance on, matters and events which antedate the enactment of the Act;¹ further, that the Panel has not performed its function of weighing, analyzing and describing the evidence and contentions of the parties; that the Panel has obscured, concealed, and misstated what the record actually shows; that it has so intermingled pre-Act and post-Act evidence as to confuse and misstate the record and vitiate its findings and conclusions; and, that the Panel's decision is clearly a product of bias and prejudice.

Respondent also preserves all exceptions which have accrued to it as a result of rulings adverse to it heretofore made by the Hearing Panel or the Board.

Notwithstanding the general, sweeping nature of these exceptions and their lack of substantive specificity, we have carefully examined and considered each of them, as well as the matters set forth in Respondent's memorandum in support thereof.

In making our findings herein, we have reviewed the entire record and we have appraised the Recommended Decision, and the exceptions taken thereto by both parties, in the light thereof. Except to the extent the exceptions of either party are expressly or impliedly incorporated

¹ The matters raised in the exceptions pertaining to pre-Act evidence and Constitutional issues are dealt with later herein under "Legal Discussion".

herein, they are hereby expressly overruled as being unsupported by the evidence or otherwise lacking in merit.

In this report, we discuss the evidence under topical headings which in the main conform to the sequence of the criteria of Section 13(e) of the Act which we are required to consider. This arrangement also substantially follows the allegations of the petition.

In making our findings herein, we have considered and weighed all the evidence of record. In weighing Petitioner's evidence, we have considered that certain of its witnesses fall into the category of "informers" and we have scrutinized their testimony accordingly; we have considered and resolved the inconsistencies in the testimony of certain of Petitioner's witnesses; we have considered the testimony of Petitioner's witnesses against the background of their various organizational positions and activities in the CPUSA which afforded the sources of their knowledge; and we have had the benefit of the Panel's observation of their demeanor while testifying. Viewing these considerations in the light of the whole record, we find no basis for disregarding the substance of their testimony.

We have likewise weighed and evaluated Respondent's evidence, taking into account that each of its three witnesses has a vital personal interest in the outcome of this proceeding; that in nature and substance the direct testimony of two of its witnesses amounted, in a large degree, to conclusory denials of the allegations of the petition and the criteria of Section 13(e) of the Act; that important members of Respondent, whom Petitioner's witnesses had identified as being parties to, or present at, conversations which were detrimental to Respondent herein, were not called to rebut such testimony; and, that the Hearing Panel, having observed the demeanor of its witnesses as they testified, had some misgivings about certain of them.

It is noteworthy that the stenographic record herein comprises 14,413 pages and that in addition 507 exhibits,

many of which are entire volumes, are part of the record. To set forth and resolve herein all the conflicts between the evidence of the parties would unduly protract this report. Where warranted, however, we treat specifically with conflicts in the evidence and the credibility of the witnesses with regard thereto in the body of this report.

Applying the foregoing considerations, we have made our findings below. Such evidence of record that is inconsistent therewith is not credited.

A short biographical sketch of each witness, containing information pertinent to this proceeding, is contained in Appendix "A", and a list of publications which are in evidence and have major importance in this proceeding is contained in Appendix "B".

For clarity, it is desirable that we make certain findings based on the evidence herein concerning Respondent's publications and its general nature and organizational composition preliminary to setting out the body of the evidence.

Therefore, we find: That Respondent is a disciplined organization numbering many thousands of members, which is controlled internally between conventions by a National Committee; that it has organizational units at city, county, state, and district (includes multi-state) levels which include clubs, cells, fractions, branches, and sections, and committees thereof; that, in addition to the foregoing, it maintains other operating committees for specific purposes; that Respondent has been in existence in the United States since 1919; and, that it is not a diplomatic representative or mission of a foreign government accredited as such by the Department of State. (Amended Answer, J.A. 161-186; Ex. 374; J.A. 162, 888-889; 898-899, 1695-1706).

We also find that the following publications, issues of which are in evidence, are or were during their existence official and controlled organs of Respondent:

(a) *The Daily Worker*;

(b) *The Worker*; this is currently the Sunday edition of the *Daily Worker*; however, in the 1920's a

paper with this name fulfilled much the same function as the present *Daily Worker*;

(c) *Political Affairs*; a monthly magazine;

(d) *The Communist*; the predecessor to *Political Affairs*, which served Respondent in the same capacity prior to early 1945. The same title was used for a Party newspaper early in Respondent's existence.

I. FINDINGS OF FACT

A. World Communist Movement

The definition of a Communist-action organization in Section 3(3), and the terms of the several criteria in Section 13(e) of the Act make desirable a finding based upon the evidence in this proceeding concerning the world Communist movement, its characteristics and the identification of the leadership of such movement.

Much of the evidence which establishes the allegations of the petition pertaining to the various criteria in Section 13(e) necessarily shows the existence of the world Communist movement, its characteristics and its leader. The evidence sustaining these allegations is fully set forth hereafter in this report. Consequently, we now set forth in summary form only the evidence adduced in this proceeding which substantiates the existence of the world Communist movement, describes its nature and identifies its leadership.

The Respondent in its amended answer (J.A. 161-186) and through the testimony of its witnesses (e.g., J.A. 1242-1243) admits that a world Communist movement exists in the sense that the CPUSA and other Communist parties in countries throughout the world are guided in their activity by a concept of "social science" called Marxism-Leninism,¹ and have as their common goal the establishment of "socialism". Respondent contends, however, that the international relationship among the Communist parties

¹ See pp. 38-81, *infra* for findings re Marxism-Leninism.

of the world is merely a fraternal one. It denies that there exists a world Communist movement which is substantially dominated or controlled by the Soviet Union and which has as its purpose the establishment of dictatorships of the proletariat in all countries throughout the world. Respondent's witness Gates testified that, in referring to "the world Communist movement" in his writings, he had in mind separate autonomous movements (J.A. 1242-1243). Respondent's expert witness, Dr. Herbert Aptheker, teacher and trustee of the Jefferson School of Social Science, Editor of *Masses and Main Stream*, and Managing Editor of *Political Affairs*, offers the explanation that in Marxist-Leninist literature such terms as international solidarity, proletarian internationalism, working class internationalism, etc., are used simply to indicate the fraternal relationship among the working classes of the countries of the world (R. 15630-15634). Respondent's witness Elizabeth Gurley Flynn draws an analogy with the international trade union movement, asserting that this movement exists but that there is no world-wide trade union; and that, similarly, a world Communist movement does exist, but that an international integrated Communist party does not (R. 15940-15950). The witness Flynn admits that Stalin is universally regarded by Communists as the ideological leader of world Communism¹ and as the leader of the senior Communist Party of the world, the Communist Party of the Soviet Union; however, she denies that either Stalin or the Communist Party of the Soviet Union exercises domination or control over Respondent or any other Communist party in the world.

We are unable to accept these contentions of Respondent concerning the existence, nature, purpose, and leadership of the world Communist movement, as they are contrary to the clear preponderance of evidence.

The present world Communist movement was first manifested organizationally by the formation of the Third Com-

¹ Subsequent to the hearing Stalin died; he has been succeeded by Georgi M. Malenkov.

munist International in Moscow in 1919. This event is recorded in the *History of the Communist Party of the Soviet Union (Bolsheviks)* (Ex. 330, J.A. 1613-1632) as hereinafter developed.¹

One year later, July 17-August 7, 1920, the Second Congress of the Communist International adopted and promulgated its *Theses and Statutes* setting forth its aims and purposes as later detailed herein,² which includes the following (J.A. 1318-1319):

“The Communist International is aware that for the purpose of a speedy achievement of victory the International Association of Workers, which is struggling for the abolition of capitalism and the establishment of Communism, should possess a firm and centralized organization. *To all intents and purposes the Communist International should represent a single universal Communist Party, of which the parties operating in every country form individual sections. The organized apparatus of the Communist International is to secure to the toilers of every country the possibility at any given moment of obtaining the maximum of aid from the organized workers of the other countries.*

“For this purpose the Communist International confirms the following items of its statutes:

“Sec. 1. The new International Association of Workers is established *for the purpose of organizing common activity of the workers of various countries who are striving towards a single aim: the overthrow of capitalism; the establishment of the dictatorship of the proletariat and of the International Soviet Republic; the complete abolition of classes, and the realization of socialism—the first step of Communist Society.*” (Underscoring supplied) (Ex. 8, p. 5)

¹ See pp. 19-20, *infra*; see also pp. 78-80, *infra*, for Respondent's adherence to this work.

² See pp. 19-20, *infra*.

The Communist International was in fact that which these publications proclaim, i.e., a universal Communist Party organized and controlled as to policies and activities by the Soviet Union and consisting of the various Communist parties of the countries throughout the world, which constituted sections of the Communist International. The Communist International embodied an elaborate organizational structure, including an Executive Committee; departments on Organization, Agitation and Propaganda, and Youth; Secretariats or Commissions covering sections of the world, such as the Far Eastern Secretariat, Anglo-American Secretariat, etc., which supervised the Communist parties in these respective areas; and Field Bureaus (Ex. 8; J. A. 1318-1332).

Respondent joined this international Communist organization shortly after it was constituted and admittedly until 1940 participated therein. Characteristic of the Communist International's world-wide activities were the Profintern or Red International of Labor Unions; M.O.P.R., or the International Red Aid to defend Communists (Ex. 50; J.A. 1357); the maintenance of representatives in various countries, first to enforce and insure adherence to its policies, and further to afford guidance and assistance; the instruction and training of individual members of its section Communist parties and the payment of expenses incident thereto; the rendering of financial aid to the various Communist parties throughout the world either directly in money disbursed to or for them or indirectly through furnishing of free propaganda materials, publications, printing, etc.; the exercise of strict disciplinary control over individual members and entire Communist party sections, resulting in expulsion of a member for failure to follow Soviet Union policies and directives; the settlement of intra-party disputes and the resolution of issues relating to tactics, strategy, procedure, and policy of Communist party sections; the command of paramount allegiance to the Soviet Union as the leader of international Communism and fatherland of the world proletariat; the strict

adherence to that body of principles and policies called Marxism-Leninism;¹ all in furtherance of making secure the foundation of the world proletarian revolution, i.e., the Soviet Union, and installing Communist dictatorships under the direction and domination of the Soviet Union in all countries throughout the world, including the United States, by activity both open and secret and by any means whether legal or illegal.

As a result of the passage of the Voorhis Act in 1940 (54 Stat. 1204) Respondent announced a disaffiliation from the Communist International, but did not alter fundamentally its relationship with the Communist International.² The Communist International was formally dissolved as such in 1943, at which time the United States and the Soviet Union were military allies (J.A. 1572-1574). This formal dissolution was accomplished, assertedly, in order to remove the foundation for "fascist" charges that the Soviet Union was meddling in the internal affairs of other nations. In truth and in practice the world Communist movement, under the hegemony of the Soviet Union, has remained as theretofore, despite the "dissolution" of the Communist International.

In 1947, the Communist Information Bureau, herein sometimes called the Cominform, was organized³ to facilitate the coordination of activities of Communist parties of various countries in the struggle against "imperialism"; its membership consists of a number of Communist parties (J.A. 606-607; Ex. 214-A, Ex. 367, J.A. 1575-1578, 1676-1677).

Zhdanov, then a member of the Politburo of the Communist Party of the Soviet Union, in calling for greater and closer international coordination of action by Communist parties at the Communist Party Informative Con-

¹ See pp. 38-81; 219, *infra*.

² See pp. 26-28, *infra*.

³ See *infra* pp. 31 to 36, re detailed findings concerning the Communist Information Bureau.

ference in Poland in September 1947 stated, in part, as follows (J.A. 1578):

“ . . . There can be no doubt that if the situation [the tendency toward the isolation of individual Communist parties] were to continue it would be fraught with most serious consequences to the development of the work of the fraternal parties. The need for mutual consultation and voluntary coordination of action between individual parties has become particularly urgent at the present juncture when continued isolation may lead to a slackening of mutual understanding, and at times, even to serious blunders.” (Ex. 214-A, p. 4)

Georgi M. Malenkov, successor to Stalin and presently leader of the Soviet Union, also addressed this conference laying additional emphasis on the necessity for coordination of international Communist activities. Pertinent excerpts from Malenkov's report are set forth herein at pp. 34-35, *infra*.

In the United States, Respondent refrained from formally joining the Cominform, because “ . . . reactionary and pro-Fascist forces now whipping up anti-Communist hysteria and war incitement in our country would undoubtedly seize upon such action . . . as a pretext for new provocations and repressions against the Communists . . . ” (Pet. Ex. 368). However, the CPUSA announced firm agreement with and approval of its formation. Notwithstanding this lack of formal affiliation, manifestations of the world Communist movement and Respondent's participation therein continued. Known representatives of the world Communist movement remained in the United States and continued their participation in the affairs of Respondent; leaders of Respondent went abroad at Party expense to international gatherings where they met and consulted with world Communist leaders; the official organ of the Cominform, *For a Lasting Peace, for a People's Democracy*, is used by Respondent's leaders as a source

of authoritative direction on matters pertaining to the world Communist movement and Respondent's participation therein; detailed "greetings" containing messages are sent and received by the various Communist parties of the world, including the Communist Party of the Soviet Union and Respondent; Respondent unswervingly adheres to the positions taken by the Soviet Union on international issues; and Respondent continues to advocate, teach and apply Marxism-Leninism.

Adherence to Marxism-Leninism, as its principles and precepts are stated in the Classics, is completely incompatible with Respondent's contention that it and numerous other Communist parties throughout the world apply Marxism-Leninism individually, separately and autonomously. It is clear that international organization, which affords the coordination of activity and discipline as directed by the Soviet Union and which commands the subordination of all national duties and also requires allegiance to the Soviet Union, is the very essence of Marxism-Leninism as understood and practiced by Respondent.¹

The international integration of the world Communist movement is further illustrated by the perspective in which Respondent regards the incidents affecting, or activities of, Communist parties in other nations. For example, a letter sent by Respondent to the Communist Party of France as reprinted in the *Daily Worker* of June 9, 1952, regards the arrest of French Communist leader, Jacques Duclos, as an act of men of "Wall Street". The letter states in part:

"* * * We American Communists are conscious of our responsibility to show the people at home that it is the Wall Street men of the trusts who are the real fomentors of the present hysteria arrests and persecutions in your country. We will do everything to convince the American people that it is U.S. imperialism which strives to impose upon the French people the same kind of war-time dictatorship they seek to im-

¹ See "Marxism-Leninism", pp. 43-46, 57-59, *infra*, for detailed findings to this effect.

pose in our own land. We know your struggle is our struggle—a common fight against a common enemy—to defeat the North Atlantic war alliance, to prevent the relnazification (sic) and remilitarization of Western Germany, to fight for a Five-Power Pact of Peace and Friendship as the only path to peace and freedom. * * * (Ex. 495—see also, J.A. 1797-1798).

Similarly a “greeting” from Respondent to the Seventh Congress of the Italian Communist Party, published in the *Daily Worker* of April 4, 1951, stated:

“* * * ‘your work in defense of peace and socialism under the magnificent leadership of Palmiro Togliatti, has a particular repercussion in our country.

“ ‘The great battle of the Italian workers for their independence, peace and social progress calls forth greatest admiration among us. We are confident that in fraternal battle against Wall Street, the cause of Italy’s millions, which is our cause too, will triumph.’ ”
(Pet. Ex. 456)

Respondent, at its 15th National Convention held from December 28 to 31, 1950, in New York City, received “greetings” from Communist parties in the Soviet Union People’s Democratic Republic of China, France, Italy, Hungary, Poland, Bulgaria, Czechoslovakia, Romania, German Democratic Republic, Western Germany, Austria, Great Britain, Canada, Mexico, Brazil, Cuba, Spain, Norway, Denmark, The Netherlands, Northern Ireland, Eire, India, Israel, Algeria, Ceylon, Free Territory of Trieste, Belgium, Australia, New Zealand, Indonesia, and the Yugoslav Political Revolutionary Emigrants (Ex. 376; J.A. 1714-1718).

Many such “greetings” expressed regret that it was impossible to send delegates as Respondent had invited but noted in varied detail the problems (from a Communist viewpoint) in the particular country involved as well as those facing Respondent. Those “greetings” likewise are replete with phrases that reveal the characteristics and

leadership of the world Communist movement, of which the following are illustrative (J.A. 1714-1718):

"... all persons who oppose the aggressive policy of American imperialism and the rule of fascist terror are uniting in joint resistance ...";

"... the decisions of your Convention, taken in the light of the teachings of Marx, Engels, Lenin, and Stalin, will enable you to advance forward on the road of unity of action ...";

"Your successes are our successes";

"We know your struggle is difficult but together with you, 800 million people, led by the invincible Soviet Union, defend peace and liberty.";

"... your Party will raise still higher the immortal banner of Marxism-Leninism and will honorably fulfil its patriotic and internationalist duty ...";

"... the fight of the millions of common people for peace and democracy, inspired by peace-loving Soviet Union and the great Stalin, will win.";

"Your fight, dear comrades, is our fight, just as the struggle of the German Friends of democracy and peace is your struggle.";

"The invincible peace camp under the leadership of the Soviet Union and the great Stalin, defends the happiness of all peoples. You have a decisive place in the camp of peace.";

"We feel closely bound up with your struggles not only because we pursue the same aims but also because we face the same enemy, American imperialism.";

"... our common struggle against Anglo-American imperialism.";

"Headed by the Mighty Socialist Soviet Union and our friend and teacher, Joseph Stalin, the world camp of peace is going forward to win ...";

"... your decisions will victoriously guide the American people in their determined struggle for the defense of the cause of peace and Socialism so brilliantly led by Comrade Stalin.";

"United by proletarian internationalism under the banner of the great Stalin, we will march victoriously on the road to peace and Socialism.";

"... we are firmly convinced . . . that you will fulfil the great task of world significance . . .";

"Your invitation confirms that proletarian internationalism, in spite of hate, persecution and terror, is a living reality.";

"Our fight for peace, independence and freedom is directed against the same enemy as you fight.";

"Long live proletarian internationalism!";

"We pledge our maximum contribution to the peace movement headed by the Soviet Union.";

"Long live the solidarity of the working people in the whole world . . . for the triumph of the ideas of Marx, Engels, Lenin and Stalin!".

The foregoing statements in this section are fully supported by a preponderance of the evidence, which is set out in detail in our findings in the captioned portions of this report which follow. Based on the evidence adduced in this proceeding we find (1) that there exists a world Communist movement, substantially as described in Section 2 of the Act, which was organized by the Soviet Union, and which has as its primary objective the establishment of Communist dictatorships of the proletariat in all countries throughout the world, including the United States, and (2) that the direction, domination and control of this movement is vested in, and is exercised by, the Soviet Union.

B. Policies and Directives**1. Respondent's Organization and Leadership**

The nature of this proceeding is such that we cannot and should not single out one factual situation as determining the issues, but must consider the record as a whole. In so doing, we have taken into consideration the evidence hereinafter summarized concerning the events which have resulted in Respondent's present organizational form, and which establishes certain facts regarding the background and activities of Respondent's present leadership. We find this evidence tends to establish that Respondent is a Communist-action organization.

Respondent was organized in 1919 and has been in existence continuously since that date (J.A. 162). The evidence leaves no doubt that the Respondent is molded organizationally and operationally along the lines found by the Communist Party of the Soviet Union to be most effective in establishing the dictatorship of the proletariat in the Soviet Union. Such an organization and operation is in accordance with the strategy and tactics of Marxism-Leninism. It is also in accordance with the requirements of the Communist International.

Before treating with Respondent's organizational and internal administration, it is of major importance for a clear understanding of our findings and of the background and bases for a number of Respondent's policies and activities, to review the evidence and set forth certain pertinent facts regarding an association or organization known as the Communist International (Comintern). According to Respondent's witness Flynn, this organization was "a federation, as it were, of Communist Parties, who met together, consulted together, and exchanged knowledge and experience in relation to the struggles that they were carrying on in their particular countries"¹ (R. 15777-15778).

¹ This is in substance the same characterization Respondent places on the present organization of Communist Parties known as the Information Bureau of Communist Workers' Parties or the Communist Information Bureau. See pp. 31 to 36 of this report.

The record, however, establishes a different nature and different characteristics of the Communist International.

Upon consideration of the sizeable quantity of both oral and documentary evidence relative to the matter, we find that the Communist International was organized in 1919 by the Soviet Union as the international organization of Communist Parties in all countries—a World Communist Party—with the aim to overthrow “capitalist” states and to create the dictatorship of the proletariat in the Soviet form (Ex. 330, J.A. 1623-1624; Ex. 8, J.A. 1318-1332; Ex. 145, J.A. 1539; J.A. 225, 383-384). Significant evidence establishing the foregoing includes the documents, *History of the Communist Party of the Soviet Union (Bolsheviks); Theses and Statutes of the Third (Communist) International*, adopted July 17—August 7th, 1920; the *Programme of the Communist International*, issued at the sixth Congress in Moscow in 1928; and, Respondent's *Manual On Organization*, issued in the 1930's. These documents are further identified and discussed later in this report.

In the *History of the Communist Party of the Soviet Union*, it is stated (J.A. 1624):

“In March 1919, on the initiative of the Bolsheviks, headed by Lenin, the First Congress of the Communist Parties of various countries, held in Moscow, founded the Communist International. Although many of the delegates were prevented by the blockade and imperialist persecution from arriving in Moscow, the most important countries of Europe and America were represented at this First Congress. The work of the congress was guided by Lenin.

“The congress adopted a manifesto to the proletariat of all countries, calling upon them to wage a determined struggle for the dictatorship of the proletariat and for the triumph of Soviets all over the world.

“Thus was founded an international revolutionary proletariat organization of a new type—the Commu-

nist International—the Marxist-Leninist International” (Ex. 330, pp. 231-232).

The *Theses and Statutes* stated that (J.A. 1332):

“... all the events of world politics are inevitably concentrating around one point, namely, the struggle of the bourgeoisie world against *the Russian Soviet Republic, which is grouping around itself* the Soviet movements of the vanguards of the workers of all countries, and all national liberation movements of the colonial and subject countries, which have been taught by bitter experience that there can be no salvation for them outside of a Union with the revolutionary proletariat, and the triumph of the Soviet power over Imperialism.” (Emphasis added) (Ex. 8, p. 67)

Also (J.A. 1318):

“The Communist International makes its aim to put up an armed struggle for the overthrow of the International bourgeoisie and to create an International Soviet Republic as a transition stage to the complete abolition of the State. The Communist International considers the dictatorship of the proletariat as the only means for the liberation of humanity from the horrors of capitalism.” (*Ibid*, p. 4)

The Constitution and Rules of the Communist International as set forth in the *Programme* includes (J.A. 1465):

“The Communist International—the International Workers’ Association—is a union of Communist Parties in various countries; it is a world Communist Party. As the leader and organizer of the world revolutionary movement . . . and the upholder of the principles and aims of Communism, the Communist International . . . fights for the establishment of the world dictatorship of the proletariat, for the establishment of a World Union of Socialist Soviet Republics,

for the complete abolition of classes and for the achievement of socialism—the first stage of Communist Society” (Ex. 125, p. 85).

Respondent's *Manual On Organization* defines the Communist International as follows, which is pertinent for comparison with the foregoing quotations (J.A. 1539):

“The Communist International is the international organization of Communist Parties in all countries. It is the World Communist Party. The Communist Parties in the various countries affiliated to the Comintern are called Sections of the Communist International” (Ex. 145, p. 42).

The record shows, in addition to the fact that the Communist International was organized and formed by the Soviet Union and had the aforestated aims, that the Soviet Union exercised complete control over the policies and activities of the Communist International. All of the heads of the Comintern that are identified in the record have been leading members of the Communist Party of the Soviet Union. The meetings of the governing committees and the congresses shown in the record have been held in Moscow. Witnesses who had been representatives of Respondent to the Comintern established that the Communist Party of the Soviet Union was the leading party (section) in the Comintern, and its decisions were binding on the executive committee of the Comintern and such decisions of the Comintern bound all other member parties; furthermore it had five votes on the executive committee to one each for the other larger parties. The government of the Soviet Union financed the Comintern.

The record also establishes through both oral and documentary evidence that as a section or member of the Communist International, Respondent was under the complete domination and control of the Communist International regarding its policies, activities, programs, and other operations. Illustrations and examples of Respondent's accept-

ance of and adherence to directions and instructions from the Communist International are covered in the parts of this report which follow and include the teaching and advocacy of the overthrow of "imperialist" governments; trade union activities; work among the youth; and the recognition and acceptance of discipline; as well as details concerning Respondent's organizational structure and internal administration.

Also significant, and indicative of Respondent's acceptance of, or submission to, control over it by the Communist International, are various other official statements and teachings by Respondent subsequent to the time that it became a part of the Communist International, and Respondent's acceptance and following of instructions of Comintern representatives sent to the United States. The activities in the United States of Comintern and other foreign Communist representatives is covered elsewhere in this report. With respect to the specific actions of Respondent and its teachings as evidencing the acceptance of domination and control by the Comintern, the record shows that early in 1921, Respondent revised its program and constitution "in conformity with the Theses and Statutes of the C. I.", and adopted the "twenty-one points for affiliation to the C. I."¹ (Ex. 123, p. 1, J.A. 1444-1446), and became an "integral part of the Communist International" (J.A. 1445). In 1929, Respondent's Central Committee issued a "Discussion Outline for Lenin Campaign" which in effect explains the role of the Party as that defined by the "Program of the Comintern" and states (J.A. 1422):

"One who fights the Soviet Union and the Comintern is an agent of capitalism directed against our Party in its campaign to mobilize the workers against imperialist war and for defense of the Soviet Union." (Ex. 108, p. 6)

¹ These "conditions" spelled out rigid requirements of allegiance to the Comintern with provisions for strict discipline as well as details as to the form of the Communist Parties and their activities.

The "Thesis and Resolutions" for the Seventh National Convention of Respondent¹ which were adopted by the Convention in 1930, refer to "communications" from the Comintern in connection with various tasks of the Party (Pet. Ex. 132, p. 32, p. 54; see also J.A. 1485-1486). The resolutions adopted at the 8th convention of Respondent in 1934 include the following (J.A. 1490-1491):

"The E.C.C.I. is the Executive Committee of the Communist International. It is the general staff of the world revolutionary movement giving unity and leadership to the Communist Parties of the world. The E.C.C.I. meets in plenary session at intervals of between six months and one year. The body acting in highest authority between one plenary session (Plenum) of the E.C.C.I. and the other, is the Presidium of the Communist International. The Communist Party of the U.S.A. is the American Section of the Communist International (Comintern)." (Ex. 136, p. 18).

Petitioner's witnesses Budenz, Crouch, Gitlow, Honig, Johnson, Kornfeder, Lautner, Meyer, and Nowell each testified concerning various aspects and manifestations of the control exercised over Respondent by the Communist International while these witnesses were members of Respondent and held various official positions. Gitlow was a top official of Respondent and in 1928-1929 was a member of the Executive Committee of the Communist International. He states unequivocally that the Comintern controlled all major policies of Respondent (J.A. 217, 227, 229-230) and cites instances such as convention arrangements and the policy of the party press which were based upon Comintern directives or instructions (J.A. 244-245). Kornfeder knows of no instance during his membership,

¹ The "Thesis and Resolutions" represented the prime authority of Respondent in its programs, policy and practical orientation for the period 1930-1934 which were applied in practice and in Respondent's schools (J.A. 360).

1919-1934, when Respondent deviated from Comintern instructions (J.A. 336) and shows that the qualifications for attending Communist training schools in Moscow were set up by the Comintern, and that members of Respondent recommended to become students at the schools had to be approved by the Comintern (J.A. 301-304). Nowell and Honig both were in Moscow during the 1930's as students and representatives of Respondent and participated in the work of the Communist International, particularly the preparation of directives to Respondent—which directives were carried out (J.A. 369, 379-385, 471-473, 477-480). Meyer, an American citizen, returned to the United States in 1934, having been a member of the British Communist Party, and was not required to fill out an application to join Respondent since he was merely transferring from one section of the Communist International, of Communist movement, to another (J.A. 681). Johnson, a member of Respondent from 1930 to 1940 and at one time on the Central Committee, was taught at Respondent's National Training School, and saw in operation, that under the rules of the Comintern no person could hold or resign from a position of leadership without the approval of the Comintern (J.A. 656). He also states unequivocally that he knows of no single instance during his membership where Respondent ever opposed a decision of the Comintern (J.A. 668).

The foregoing is only a part of the considerable testimony on the activities of the Communist International concerning the Respondent in the United States but serves to illustrate Respondent's role as a member or part of the Communist International.

In view of our finding that the Communist International was founded and controlled by the Soviet Union, and of our further finding that the Communist International dominated and controlled Respondent, and upon the entire record, we find and conclude that the Communist International for over twenty years constituted the organizational instrumentality through which the Soviet Union

dominated and controlled the Communist Parties throughout the world, including Respondent.¹

As later herein covered, Respondent announced its "disaffiliation" from the Communist International in 1940, and the "dissolution" of that organization was announced in Moscow in 1943. It is pertinent before concluding this aspect of our findings concerning the Communist International to note that the Communist International stood "wholly and unreservedly upon the ground of *revolutionary Marxism* and its further development, Leninism" (Ex. 125, p. 8). Because of the importance of "Marxism-Leninism" in this proceeding, its meaning is determined in detail later in this report.

Concerning Respondent's organizational form and changes therein, we find that early in Respondent's existence, in 1924, the Communist International "decided" that various factions in the United States should amalgamate into a single party, which was done. The evidence hereinafter summarized and the entire record establishes that Respondent is that Party (J.A. 240, 1333, 1474; Ex. 12(a), p. 2; Ex. 126, p. 237).

We further find that in 1929 another factional dispute existed in Respondent which was a reflection of a struggle in the Communist Party of the Soviet Union and in the Communist International between the forces led by Stalin and those led by Bukharin. Although a minority of only about 10 percent in Respondent, led by Foster, supported Stalin, whereas the majority of about 90 percent led by Lovestone and Gitlow sided with Bukharin, the solution of the dispute dictated by Stalin was adopted by the Comintern and accepted by Respondent, representatives of the Comintern being sent to the United States to supervise its effectuation. The result of the "liquidation of the factional situation in the Communist Party" (Ex. 126, p. 245, J.A.

¹ Respondent's witness Gates stated on cross-examination that "The Communist International was an actual organization of the world Communist movement and we were affiliated at one time. We are not affiliated now, and the organization no longer exists" (J.A. 1246-1247).

1481) was the expulsion from Respondent of Lovestone, Gitlow and others and the placing of the leadership of Respondent in the Foster group. Earl Browder was recalled from China by way of Moscow to become General Secretary of the Party. Foster was given a high position. He became a "builder of the Party" (Ex. 126, p. 247, J.A. 1477). This is the William Z. Foster who is presently National Chairman of Respondent (J.A. 266-271; Ex. 114, Ex. 126).

In 1940, Respondent announced its disaffiliation from the Communist International. We find that the primary reason for the disaffiliation was to avoid registration of the Respondent as a foreign agent under the Voorhis Act of October 17, 1940; and that the disaffiliation did not alter in any substantive way the relationship between Respondent and the Communist International or the world Communist movement. Respondent's amended answer admits it was "affiliated" with the Communist International prior to November 1940, and states that it "disaffiliated" from the Communist International in November 1940. The amended answer and the evidence offered by Respondent seek to establish, however, that, "Since 1940, the Communist Party has had no international affiliation of any kind—although it follows with interest the experiences of other Communist Parties, reads their journals, and on appropriate occasions sends or receives fraternal greetings" (amended answer, J.A. 178).

Witness Meyer was present as a member at the State Committee meeting when the delegation to the convention of Respondent which considered the disaffiliation reported back to the Illinois-Indiana District. The substance of the delegation's report was that the disaffiliation was a matter of expediency, that it changed nothing fundamentally or significantly, and that it had to be done to preserve the legality of the Party (J.A. 693). Witness Lautner was a delegate to the convention and also describes the understanding of the convention to be that the disaffiliation was one of expediency which in no way affected the Party's

attitude on the question of proletarian internationalism (J.A. 879-880). Witness Crouch attended a convention-time meeting of the Politboro and district organizers where Earl Browder, then general secretary of the Party, said that the actual relations of the Respondent to the Communist International would remain exactly the same in the future as they had in the past, that Respondent would continue to be guided by the Communist International and that because of the political development of Respondent the matter of formality in the relationship was no longer as necessary as it had once been (J.A. 421-423). The district organizers were assigned the duty to go back to the respective districts and explain the reasons for disaffiliation which Crouch, being a district organizer at the time, did (J.A. 423).

Respondent's witness Flynn testified on cross-examination that she was on the National Committee of Respondent when the resolution of disaffiliation was discussed. She says:

" * * * we were not disaffiliating in anger, or disaffiliating to fight the Communist Internationale. It was, you might say, a friendly divorce" (J.A. 1300).

We find the evidence preponderates to establish that the disaffiliation was for the expediency of avoiding registration as a foreign agent and did not alter Respondent's relationship with the Communist International or the world Communist movement.

We have heretofore set forth our finding that the Communist International was the means or vehicle through which the Government and the Communist Party of the Soviet Union directed and led the Communist Parties of the various countries, including Respondent. In 1943, upon approval by the various member Communist Parties of a proposal by the Presidium of the Executive Committee, the Communist International was dissolved¹ (J.A. 839-840).

¹ Petitioner's witness Dr. Mosely considers that because of the nature of the Communist International, the "proposal" to dissolve it by its Presidium was regarded as a "decision" to dissolve it (J.A. 840).